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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,000

03/17/2004

Lee Friedman

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04/30/2008

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2157

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,000	<b>Applicant(s)</b> FRIEDMAN, LEE	
	<b>Examiner</b> HUSSEIN A. EL CHANTI	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to amendment received on Feb. 6, 2008. Claims 1-23 were canceled. Claims 24-42 were newly added. Claims 24-42 are pending examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24-33 and 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Fletcher et al., U.S. Patent No. 6,363,477 (referred to hereafter as Fletcher).

As to claim 24, Fletcher teaches a logical port configuration system comprising:  
a first communication port configured to send a request message to a server computing element (see col. 13 lines 44-52, lines 61-64 and lines 65-col. 14 lines 9, a socket call associated with an application is sent to the server);

a monitoring component configured to monitor the first communication port for an acknowledgement message from the server computing component (see col. 13 lines 65-col. 14 lines 9, a socket call response is received from the server); and

a testing component configured to, in response to an acknowledgement message being received, initiate a port test at the first communication port, the port test configured to facilitate interaction between the client computing element and the server

computing element (see col. 14 lines 10-42, performance statistics is collected with regards to the established socket and the application associated with the socket),

wherein, during the port test, the server computing element communicatively interacts with the client computing element to discover a port status of the first communication port, the first communication port of the client computing element being associated with an application program operative on the client computing element (see col. 14 lines 25-66).

As to claim 25, Fletcher teaches the system of claim 24, wherein the server computing element configured to receive a test initiation command that is transmitted by the client computing element using a first Internet Protocol socket (see col. 13 lines 58-63).

As to claim 26, Fletcher teaches the system of claim 25, wherein the client computing element is configured to communicatively interact with the server computing element using a time-out message (see col. 14 lines 63-col. 15 lines 16).

As to claim 27, Fletcher teaches the system of claim 26, wherein the port test further comprises discovering a port status of a second port of the client computing element, the second port of the client computing element being associated with the application program operative on the client computing element (see col. 15 lines 31-50, plurality of sockets are monitored to determine the status of each of the sockets).

As to claim 28, Fletcher teaches the system of claim 27, wherein the first port is a uni-directional port of the client computing element and the second port is a bi-directional port of the client computing element (see col. 15 lines 31-50).

As to claim 29, Fletcher teaches the system of claim 28, wherein the client computing element generates a status report comprising the status of the first and second ports of the client computing element (see col. 15 lines 31-50).

As to claim 30, Fletcher teaches the system of claim 29, wherein the status report further comprises instructions to a user to configure the first port of the client computing element to enable the client computing element to communicatively couple to a remote client computing element when using the application program (see col. 15 lines 31-50).

As to claim 31, Fletcher teaches the system of claim 30, wherein the client computing element communicates with the server computing element through a router (see col. 2 lines 44-65).

As to claim 32, Fletcher teaches the system of claim 31, wherein the status report further comprises instructions to a user to configure the router (see col. 2 lines 44-65).

As to claim 33, Fletcher teaches the system of claim 32, wherein the client computing element communicates with the router to obtain operating information of the router (see col. 2 lines 44-65).

Claims 39-42 do not teach or define additional limitations over claims 24-33 and therefore are rejected for similar reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2157

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher in view of Kung et al., U.S. Patent No. 6,917,610 (referred to hereafter as Kung).

As to claims 34 and 35, Fletcher teaches a system and method where a client computing element communicatively coupled to the server computing element, the client computing element configured to initiate a test, whereupon the server computing element communicatively interacts with the client computing element to discover a port status of a first port of the client computing element, the first port of the client computing element being associated with an application program operative on the client computing element (see col. 4 lines 46-col. 5 lines 20, the status of the lock port before connecting the lock port).

Fletcher does not explicitly teach that the application program is an audio-video chat program. However, Kung teaches a system and method for allocating UDP ports for a video/audio conferencing (see abstract).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to use Fletcher's method and system of checking port status before connecting to a different device in the an audio video chat program. Motivation to combine comes from the knowledge well known in the art that checking port status for a

chat program before connecting would provide guarantee that the session will not be dropped or failed and therefore would make the system more reliable.

As to claim 36, Fletcher teaches the system of claim 35, wherein the client computing element further contains a database comprising a port information of a plurality of ports, for operating the application program (see col. 20 lines 63-col. 21 lines 16).

As to claim 37, Fletcher teaches the system of claim 36, wherein the port information comprises a plurality of port identifiers and a plurality of network transport protocols operative on the plurality of ports (see col. 20 lines 63-col. 21 lines 16).

As to claim 38, Fletcher teaches the system of claim 36, wherein the application program uses a transport control protocol (TCP) on the first port of the client computing element and a user datagram protocol (UDP) on a second port of the client computing element (see col. 20 lines 63-col. 21 lines 16).

### ***Response to Arguments***

5. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein Elchanti

April 25, 2008

/Ario Etienne/  
Supervisory Patent Examiner, Art Unit 2157